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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 USIE-00 CIAE-00 PM-04
INR-07 L-03 ACDA-10 NSAE-00 PA-02 SS-15 PRS-01
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E.O. 11652: N/A
TAGS: OCON, NATO, MILI
SUBJECT: TOR FOR WORKING GROUP ON INDUSTRIAL PROPERTY (AC/94)

REF: USNATO 1208 DTG 041854Z MAR 77

SUMMARY: NADREP DISCUSSION OF SUBJECT TOR ON 28 MAR 77
RESULTED IN PROPOSED REVISION WHICH NADREPS WILL CONSIDER
ON 4 APR 77. ACTION REQUESTED: WASHINGTON GUIDANCE
BY OOB, 4 APR 77.

1. DURING THEIR 28 MAR 77 MEETING, NADREPS DISCUSSED THE
AC/94 TOR FORWARDED REFTEL.
A. THE NETHERLANDS REP STATED THE FOLLOWING RESERVATIONS:
-TOR DOES NOT CLEARLY ESTABLISH AC/94 AS A CADRE
GROUP UNDER CNAD CONTROL. THE UK REP SUPPORTED THIS RESERVATION
AND AMPLIFIED IT BY SUGGESTING THAT THE WORK OF AC/94
AND ITS SUPPORT TO OTHER GROUPS SHOULD BE SUBJECT TO
ADVANCE CNAD OR NADREP APPROVAL.
-TOR DOES NOT LIMIT AC/94 CONCERNS TO LEGAL
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ASPECTS.
B. IN VIEW OF THE RESERVATIONS, NADREPS TASKED THE
AC/94 SECRETARY TO MEET WITH THE NETHERLANDS REP AND
PREPARE A REVISED TOR FOR CONSIDERATION AT THEIR 4 APR
77 MEETING.
C. ON 30 MARCH, WE DETERMINED THE FOLLOWING CHANGES
TO THE TOR WILL BE PROPOSED:
-CHANGE THE FIRST TWO SENTENCES OF PARA 1 TO
READ: "THE NATO INTELLECTUAL PROPERTY GROUP (AC/94), WHICH
IS ACTING AS A CADRE GROUP OF THE CONFERENCE OF NATIONAL

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ARMAMENTS DIRECTORS, WILL DEAL WITH ALL INTELLECTUAL
PROPERTY QUESTIONS ARISING WITHIN THE DOMAIN OF ACTIVITIES
OF THE ORGANIZATION. IF SO AUTHORIZED BY, OR ON BEHALF
OF, THE CNAD, IT WILL PROVIDE ADVICE AND ASSISTANCE TO
ALL NATO MILITARY AND CIVILIAN BODIES, INCLUDING COMMITTEES
AND WORKING GROUPS, ON INTELLECTUAL PROPERTY MATTERS
CONCERNING RESEARCH, DEVELOPMENT, PRODUCTION AND LOGISTICS
AND SIMILAR ASPECTS RELATED TO INTEROPERABILITY,
INTERCHANGEABILITY AND STANDARDIZATION."
-CHANGE SUBPARA 1(4) TO READ: "EXAMINE LEGAL
ASPECTS OF COOPERATIVE ARMS PROGRAMS AND COPRODUCTION
AND LICENSING ARRANGEMENTS IN ORDER TO FURTHER NATO
INTEROPERABILITY AND STANDARDIZATION."
-CHANGE THE NEXT TO LAST SENTENCE OF PARA 1 TO
READ:"THE GROUP WILL DO SO BY PROPOSING GENERAL PRINCIPLES
AND BY SUGGESTING SOLUTIONS AS APPROPRIATE TO THE
VARYING CIRCUMSTANCES".
-CHANGE THE LAST PHRASE OF PARA 1 TO READ:
"..BRING THESE PROBLEMS TO THE ATTENTION OF CNAD AND PROVIDE
SOLUTIONS OR APPROPRIATE GUIDANCE."
-ADD A NEW PARA 2 AS FOLLOWS: "THE GROUP WILL
REPORT PERIODICALLY ON THE PROGRESS OF ITS WORK AND SUBMIT
ITS RECOMMENDATIONS TO CNAD."
-CHANGE OLD PARA 2 TO 3 AND REVISE TO READ AS
FOLLOWS:"THE GROUP WILL BE COMPOSED PRIMARILY OF
NATIONAL REPRESENTATIVES DESIGNATED IN THEIR CAPACITY
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AS EXPERTS IN INTELLECTUAL PROPERTY, ASSISTED WHERE
APPROPRIATE, ON AN AD HOC BASIS, BY EXPERTS IN OTHER
RELATED FIELDS."

2. COMMENT: WITH THE EXCEPTION OF THE REVISED WORDING
OF SUBPARA 1(4), THE PROPOSED CHANGES TO PARA 1 AND
THE NEW PARA 2 ARE DIRECTED TOWARD DELINEATING CNAD
CONTROL OVER THE AC/94 GROUP. IT COULD BE ARGUED THAT
THE PROPOSED CHANGES ARE INHERENT. HOWEVER, WE BELIEVE
THERE IS NO HARM IN SPECIFYING THE RELATIONSHIP, ESPECIALLY
IN VIEW OF THE RECENT EMPHASIS WITHIN THE CNAD
ITSELF ON MANAGEMENT REVIEW.

3. WITH RESPECT TO THE REMAINDER OF THE PROPOSED
CHANGES, WE BELIEVE WE SHOULD HOLD THE LINE AND RESIST
THEIR INCLUSION. THE REVISED SUBPARA 1(4) DELETES
REFERENCE TO ROYALTIES, R&D SURCHARGES AND PROPRIETARY
RIGHTS. WE BELIEVE THAT HIS DELETION COULD BE INTERPRETED
AS PRECLUDING THE AC/94 GROUP FROM CONSIDERING
THOSE TOPICS IN THEIR WORK. WE UNDERSTAND THAT THE
NETHERLANDS REPRESENTATIVE TO AC/94 ONLY RELUCTANTLY
WENT ALONG WITH THE MAJORITY VIEW ON THE WORDING OF THE
TOR. THIS PRESENT NETHERLANDS ATTEMPT TO RE-WORD MAY
BE JUST AN END RUN EFFORT. END COMMENT.

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4. ACTION REQUESTED. WASHINGTON GUIDANCE BY OOB 4 APR 77.
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